

REMARKS

The following Election with Traverse and Preliminary Amendment is made in response to the Office Action dated May 18, 2005 containing a restriction requirement pertaining to the above-identified patent application. The Examiner has set a shortened statutory period for response to this action to expire thirty (30) days from the mailing date of the communication, making this response due June 17, 2005.

In the Office Action, the Examiner maintains that restriction to one of the following inventions is required under 35 U.S.C. §121:

- I. Claims 1-14 [sic—15], drawn to a solar powered electric generation station, classified in class 60, subclass 641.8.
- II. Claims 15 [sic—16]-25, drawn to a solar powered pumping system, classified in class 126, subclass 569.
- III. Claims 26-37, drawn to a method of generating electricity, classified in class 310, subclass 10.

With respect to invention III, which is directed to the method, Applicant agrees with the Examiner that this invention is distinct. However, with respect to inventions I and II, which are each directed to an electric generation station, Applicant disagrees with the Examiner's position.

At the outset, Applicant notes that there was apparently a typographical error contained in the restriction in that claim 15 should have been included in invention I and not in invention II. Applicant's attorney contacted the Examiner by telephone in this regard. Therefore, this response is predicated on claim 15 being included in invention I.

Moreover, in reviewing this application, Applicant's counsel notes that the application claims contained a typographical error in claim 16, paragraph (G), wherein

the phase "to drive said pump assembly" had been inadvertently deleted from the application as submitted. Therefore, the preliminary amendment provided herein corrects this omission.

Perhaps the omission of the above-referenced language resulted in the restriction between inventions I and II, which is traversed. They are both directed to solar powered electric generation stations. Each of inventions I and II have preambles that are identical, in this regard. Each uses a solar array to heat a fluid which is used to produce steam. The steam is then used to operate a steam engine. In both, the steam engine operates the electric generator. Claim 16 adds that the electric generator is operated by using the output of the steam engine to pump water (by means of a pump assembly) to an elevated storage water reservoir and then using the water from the elevated reservoir to flow under gravity to drive the electric generator.

If Applicant had omitted this last recitation involving the electric generator, Applicant would agree with the Examiner that claim 16 would simply be directed to a solar powered pumping system. However, the inclusion of the electric generator makes claims 1 and 16 related sufficiently such that they should be examined in a common application. To this end, dependent claims 10-13 add additional recitations to claim 1 that are similar to claim 16. Therefore, restriction should not be required between claims 1-15 and 16-25.

In accordance with 37 C.F.R. §1.143, Applicant acknowledges that a proper reply to the Examiner's restriction requirement is not complete unless an election is made. Accordingly, Applicant elects to proceed with examination on the cycle of claims 1-15, but maintains that the electric generation station of claims 16-25 should not be withdrawn because it is not distinct therefrom. Claims 25-37 (invention III) are, however, voluntarily withdrawn at this time. Should the Examiner maintain the

restriction between inventions I and II, Applicant would elect to prosecute claims 1-15. All withdrawn claims are subject to Applicant's right to file continuing application(s) on such claims.

If there are any further issues regarding the above-identified patent application, it is respectfully requested that the Examiner contact the undersigned attorney for the Applicant at the number listed below.

Respectfully submitted,

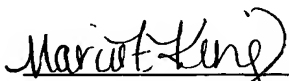
TIMOTHY J. MARTIN, P.C.



Timothy J. Martin, #28,640
Michael R. Henson, #39,222
Rebecca A. Gegick, #51,724
9250 W. 5th Avenue, Suite 200
Lakewood, Colorado 80226
(303) 232-3388

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that the attached **RESPONSE TO RESTRICTION WITH PRELIMINARY AMENDMENT (11 Pages)** is being deposited with the United States Postal service for delivery in an envelope addressed to Mail Stop Non Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 16th day of June, 2005.



Marcie R. King